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UNISYS CORPORATION
Unisys Way
Mail Station E8-114
Blue Bell, PA 19424

EXAMINER	
VY, HUNG T	

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/848,758
Filing Date: May 19, 2004
Appellant(s): CHRISTENSEN ET AL.

Wayne A. Sivertson
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/15/2008 appealing from the Office action mailed 05/31/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal is contained.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0023261	Goodwin et al.	2-2002
5917485	Spellman et al.	3-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 and 16-21 are rejected under 35 U. S. C. § 102 (e) as being anticipated by Goodwin et al. (U.S. Pub. No. 2002/0023261).

With respect to claims 1, and 21, Goodwin et al. discloses an apparatus for processing data upon request comprising:

a legacy data base management system language (*fig. 3 or fig. 9*) (*i.e., "the data server 332 provides query services to* ***access legacy database****" (0122) (fig. 3) and Examiner indicates that 322, schema server 316 are all supporting to manage and controls execution of a set of services (0124) or "translation layer" (904)(fig. 9)*) having a first command (*i.e., "The data server 332 accepts queries from the client 338 application* ***in standard formats*** *which it* ***then translates****, as necessary, to interact with diverse data sources" (0131) and Examiner indicates from "standard format" translates to compatible with data source*) and having a plurality of datasets language (*i.e., "An RDBMS takes Structured Query Language (SQL) statements*

entered by a user or contained in an application program and creates, ***updates****, or provides access to the database 308" (0078) and Examiner indicates the database 308 having a "plurality of datasets" for client can access*);

a user session which generates a request in a standardized command language (*i.e., "The data server 332 accepts queries* ***from the client*** *338 application in* ***standard formats*** *which it then translates,"(0131)*) for comparing some of said plurality of datasets within said legacy data base (*Examiner indicates that the queries from client to compare with the legacy database to get the result (0131) or "it provides a uniform, object-oriented access to distributed* ***legacy data sources*** *by acting as an object oriented dynamic front into existing databases" (0131)*)

a facility (*fig. 3*) located within said database management system which parses (*i.e., "This tailorability allows developers to implement their own template syntax (parser and interpreter) in which templates can be implemented. The preferred syntax for the templates is JavaScript" (0061) or "parsed and used to* ***generate source code objects****" (0080)*) said request in said standardized command language (*i.e., "parse specific types of logical models 203, 304, 306 into unified models. The creation of unified models 314 is performed through a common application program Interface (API)" (0118-0119)*) into a corresponding request in said first command language (*Fig. 3 shows the "code gen" (330) which creates the translation source code to translate the queries from client 338 from the standardized command language non-standardized (first command language) to the legacy database (0131)*);

and a result produced by said legacy data base management system indicative of honoring said corresponding request (*i.e., "In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)*).

With respect to claims 2, 7, 12, 17 and 19, Goodwin et al. discloses wherein request in said standardized command language further comprises a JavaScript object (*i.e., "This tailorability allows developers to implement their own template syntax (parser and interpreter) in which templates can be implemented. The preferred syntax for the templates is JavaScript"(0061)*).

With respect to claims 3, 9 and 20, Goodwin et al. discloses wherein said result further comprises a JavaScript object (*i.e., "(parse and interpreter) in which templates can be implemented. The preferred syntax for the templates is JavaScript" (0061) and examiner indicates the templates (javascript) (adaptor) (claim 26) is used to translate between the client and the legacy database (figs. 3-6)*)

With respect to claims 4, 10, 13 and 18, Goodwin et al. discloses wherein user terminal (12) is coupled to said legacy data base management system via a publically accessible digital data communication network (*i.e., "multiple database, and/or widely distributed networks or inter-networks, such as the Internet" (0045)*).

With respect to claim 5, Goodwin et al. discloses wherein a database having a plurality of columns of data (*i.e., "the serial # element from the object 804 involves parsing a look up table with corresponding serial and part numbers to find the correct Part #" (0138*) wherein each of said plurality of datasets corresponds to a different one of said plurality of column of data (*i.e., "the serial # element from the object 804 involves parsing a look up table with corresponding serial and part numbers to find the correct Part #" (0138*).

With respect to claim 6, Goodwin et al. discloses wherein a method of comparing a plurality of datasets within the data base of a legacy data base management system (*Examiner indicates that the queries from client to compare with the legacy database to get the result (0131) or "it provides a uniform, object-oriented access to distributed* ***legacy data sources*** *by acting as an object oriented dynamic front into existing databases" (0131)*) comprising:

generating a comparison request in a standardized command language (*i.e., "The data server 332 accepts queries* ***from the client*** *338 application in* ***standard formats*** *which it then translates," (0131)*);

transferring said request to said legacy data base management system conversion (*Fig. 9 and Fig. 3 shows the queries from client 338 transferring to data server (332) and using the system to conversion from different format*)

converting said comparison request from said standardized command language into a legacy command language suitable for execution by said legacy data base management system (*i.e., "The model adaptors 310, such as in an adaptor for DESIGNER 2000, parse specific types of logical models 302, 304, 306 and* ***translates*** *the logical models 302, 304, 306 into unified models"(0108) and "The data server 332 accepts queries from the client 338 application* ***in standard formats*** *which it* ***then translates****, as necessary, to interact with diverse data sources" (0131)*);;

honoring said comparison request (*i.e., "In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)*); and

sending a result indicative of said honoring step (*Fig. 7 shows "each element of the collection" and will be "display element"*).

With respect to claim 8, Goodwin et al. discloses wherein said generating step is performed by a user terminal (*i.e., "that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)*);

With respect to claim 11, Goodwin et al. discloses an apparatus for processing data upon request comprising:

a. storing means for storing a plurality of datasets within a legacy data base language (*fig. 3 or fig. 9*) (*i.e., "the data server 332 provides query services to* ***access legacy database****" (0122) (fig. 3) and Examiner indicates that 322, schema server 316 are all supporting to manage and controls execution of a set of services (0124) or "translation layer" (904) (fig. 9)*);

b. requesting means responsively coupled to said storing means for requesting a comparison of said plurality of datasets via a standardized command language (*i.e., "The data server 332 accepts queries* ***from the client*** *338 application in* ***standard formats*** *which it then translates,"(0131)* (*Examiner indicates that the queries from client to compare with the legacy database to get the result (0131) or "it provides a uniform, object-oriented access to distributed* ***legacy data sources*** *by acting as an object oriented dynamic front into existing databases" (0131)*);

c. converting means responsively coupled to said storing means for converting said standardized command language into a legacy command language suitable to access said legacy data base (*i.e., "The model adaptors 310, such as in an adaptor for DESIGNER 2000, parse specific types of logical models 302, 304, 306 and* ***translates*** *the logical models 302, 304, 306 into unified models"(0108) and "The data server 332 accepts queries from the client 338 application* ***in standard formats*** *which it* ***then translates****, as necessary, to interact with diverse data sources" (0131)*); and

d. preparing means responsively coupled to said storing means for preparing a comparison result (*i.e., "In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)*).

With respect to claim 16, Examiner indicates claim 16 has the same limitation recites on claims 1 and 6 (see rejection above).

With respect to claim 21, Examiner indicates claim 21 has the same limitation recites on claims 1, 2, 5 and 6 (see rejection above).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goodwin et al. (U.S. Pub. No. 2002/0023261 A1) in view of Spellman et al. (U.S. Patent No. US005917485A).

With respect to claim 14, Goodwin et al. discloses all limitations of claimed invention recited in claim 13 except Mapper data base management system. However, Spellman et al. discloses Mapper data base management system engine (*i.e., "MAPPER is a commercially available data management and reporting system provided by Unisys Corporation" (col. 8, line 10-15)*). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify Goodwin's system by using the Mapper data base management system in order to have data base management system in an efficient multi-user environment and to enable the user to utilize either access technique, the logic for each individual assistance function for the stated purpose has been well known in the art as evidenced by teaching of Spellman (*col. 2, line 28-38*). Further, Mapper in Spellman is compatibilities with Goodwin et al. since Mapper system works in the object oriented language such as Goodwin et al.' system.

With respect to claim 15, Goodwin et al.discloses wherein said permitting means further comprises an industry standard personal computer (*i.e., "several thousand or more computer system may be used to implement the teachings of the present embodiment" (0045)*).

(10) Response to Argument

Examiner's remarks: The Examiner would like to note that **the Appellant failed to respond to the provisional obviousness-type of double patenting** provided on last office action. Appellant stated on appear brief at pages 7, second paragraph, that "There remains a provisional obviousness-type double patenting rejection, which is not yet ripe. Applicants will deal with this issue by way of terminal disclaimer or other appropriate measure"

I. (Issue): Claims 3-5 and 13-15 are not unpatentable under 35 U.S.C 112, second paragraph as indefinite.

Appellant's arguments are persuasive, therefore, Examiner withdrawn the rejection 35 U.S.C 112, second paragraph as indefinite.

II. (Issue): Claims 1-13 and 16-21 are not anticipated by Goodwin.

a. Claim 1 is not anticipated by Goodwin

i. In the first argument, the Appellant state "*Claim 1, for example, has four basic elements; the first element is "a legacy data base management system having a first command language and having a plurality of datasets"...execution of a first command language"* pages 21-22.

Appellant alleges the defects found in the rejection under 35 U.S.C 102, hold claim 1 anticipated by Goodwin. Appellant contents that Goodwin does not discloses or

suggest “legacy data base management system”, "plurality of datasets” and “execution of a first command language”.

Appellant’s allegation has not found persuasive. In a direct contradiction to appellant’s content, Good win discloses a legacy database management system language (fig. 3 or 9) *i.e., “the data server 332 provides query services to **access legacy database**” (0122) (fig. 3) and Examiner indicates that 322, schema server 316 are all supporting to manage and controls execution of a set of services (0124) or “translation layer” (904)(fig. 9)*) having a first command (*i.e., “The data server 332 accepts queries from the client 338 application **in standard formats** which it **then translates**, as necessary, to interact with diverse data sources” (0131) and Examiner indicates from “standard format” translates to compatible with data source*) and having a plurality of datasets language (*i.e., “An RDBMS takes Structured Query Language (SQL) statements entered by a user or contained in an application program and creates**, updates**, or provides access to the database 308” (0078) and Examiner indicates the database 308 having a “plurality of datasets” for client can access*). Further, based on the Appeal brief filed on 12/15/2008 defines the first limitation of claimed invention at pages 14, lines 3-4, such as Fig. 1, elements 20 and 22 and based on the specification defines element 20 is Enterprise server and Storage subsystem. However, these is no elements 20, 22 on fig. 1 in specification at page 15 lines 16-17 (as defined in appeal brief filed 12/15/2008) defines “legacy data base management system” . Examiner indicates that based on the Specification, the Specification **does not define** what is “the legacy data based management system”. Appellant contents that Goodwin does not teach “legacy database management system”, it has been found groundless, especially in light of a lack of clarification in the specification. Furthermore, based on the dictionary[1] defines that legacy database

[1] Microsoft Computer Dictionary, fifth edition.

management system is a software interface between the legacy database and the user. Goodwin discloses the same structure and function that has software interface between the legacy database and the user and the same element as Appellant defines in the appeal brief filed 12/15/2008 as data server 332 and provide query services to access legacy database (0122). Particular, software interface (fig. 1, 3) is between the client or user (*i.e., "user interface 108, 110, such as keyboard 108 and screen 110" (0043)* ***or client 338*** *at fig. 3*) and the legacy database (*i.e., "the data server 332 provides* ***query services*** *to* ***access legacy databases*** *" (0122)*). Further, Goodwin discloses the software interface such as "data server 332, schema server 316 are all supporting to mange and **control execution** of a set of service (0124)). The second argument, that Appellant contents that Goodwin et al. does not define "plurality of datasets". Examiner does not agree with Appellant's argument since the database 308 having a "plurality of datasets" for client can access (*i.e., "defining objects and relating* ***these objects*** *to the data within the database 308" (0067)*) and The third argument, Appellant's augment is not persuasive since Goodwin discloses "execution of a non-standardized command language" (*e.g., "The data server 332 accepts queries from the client 338 application* ***in standard formats*** *which it* ***then translates****, as necessary, to interact with diverse data sources" (0131) and Examiner indicates from "standard format" translates to compatible "non-standard format" with data source*). Therefore, Goodwin clearly discloses define "execution" since Goodwin discloses "query services" to access legacy databases (0122) and when the query service is executed to access legacy databases (0122).

ii. In the second argument, the Appellant states "*the second claimed element is a "a user terminal which generates a request in a standardized command language for comparing some of said plurality of datasets within said legacy database"....Thus, these finding are legally irrelevant, because they do not address the claimed invention*" pages 22-23.

Appellant contents that Goodwin does not disclose or suggest "a user terminal", "service request" and "comparing some of said plurality of datasets"

Examiner does not agree with Appellant's argument since Goodwin discloses all limitations of claimed invention included user terminal, service request (*i.e., "**client can submit** object queries over generated objects and instantiated objects into objects with composed behaviors defined by the framework" (0055) and examiner asserts client is the same with limitation of "a user terminal" of claimed invention*) and comparing some of said plurality of datasets (*i.e., "The data server 332 accepts queries **from the client** 338 application in **standard formats** which it then translates,"(0131) and Examiner indicates that the queries from client to compare with the legacy database to get the result (0131) and the datasets is the data from the legacy database or "it provides a uniform, object-oriented access to distributed **legacy data sources** by acting as an object oriented dynamic front into existing databases" (0131)*). Further, the Appellant defines at page 14, that the element b is 12, and specification at page 15, lines 11-15 that defines: "the client interface with the system via Internet terminal 12" and Goodwin discloses the client enters the query (0078) and the query is the request to the database 308 (0078) and in order to accept the request, the database has to comparing the data with the request to get the result. Goodwin discloses service request (queries) for the comparing the data to the database 308 in a standardized object-based command language (0078, (0131) and (0122)) is

the same with limitation “a request in a standardized command language for comprising some of said plurality of datasets within legacy database”.

iii. In the third argument, the Appellant states : “*The third claimed element is "a facility located within said database management system which parses said request is said standardized command language into a corresponding request in sad first command language"...because they are unrelated to the claimed invention.*”, pages 23-24.

Appellant argued that Goodwin does not teach or discloses “legacy data based management system”, “parsing facility” and “a felicity located within said database base management system”.

Examiner does not agree with Appellant since Goodwin discloses the same structure and function as “legacy data base management system” (see Examiner’s response on part i) and a parsing facility located within said legacy data base management system (*fig. 3*) facility (*i.e., “This tailorability allows developers to implement their own template syntax* ***(parser and interpreter)*** *in which templates can be implemented. The preferred syntax for the templates is JavaScript”(0061) or* ***“parsed and used to generate source code objects”*** *(0080)*) (Examiner indicates that “legacy database management system" is software interface to communication between the user or client to access the legacy database and fig. 3 shows the software interface communication between client 338 and legacy database (*i.e., “the data server 332 provides* ***query services*** *to* ***access legacy databases”*** *(0122)* and paragraph 0080 shows the parsing facility located in the software interface between the client 338 and legacy database). Further, based on the specification and appeal brief at page 14, line 6, that defines the "parsing facility" as

element 38 and is JavaScript parser (page 17) and Goodwin discloses at fig. 3 that based on the code gen 330 to select different template 318 and the template is created by template syntax or **parser and interpreter** and the templates is JavaScript (0061), therefore, Goodwin discloses the parser using the JavaScript (0061) and is the same claimed invention “parsing facility” or specification defines as "JavaScript parser 38" at Fig. 2 . Furthermore, Goodwin discloses conversion of said user request from said standardized object-based command language to said non-standardized command language (*e.g., “The data server 332 accepts queries from the client 338 application **in standard formats** which it **then translates**, as necessary, to interact with diverse data sources” (0131) or “The model adaptors 310, such as in an adaptor for DESIGNER 2000, **parse specific** types of logical models 302, 304, 306 and **translates** the logical models 302, 304, 306 into unified models”(0108) and “The data server 332 accepts queries from the client 338 application **in standard formats** which it **then translates**, as necessary, to interact with diverse data sources” (0131)*). Goodwin discloses conversion the executable command language since Goodwin discloses using the JavaScript (0061) is the command language to convert between the clients 338 using the standard formats to legacy database with non-standard format (0131). Therefore, Goodwin discloses all the limitation of claimed invention.

iv. In the four argument, the Appellant states” *The fourth claimed element is “a result produced by said legacy data based management system indicative of honoring said corresponding request”...because they do not disclose the claimed “result.”*”, page 24

Appellant contents that Goodwin does not discloses “a result produced by said legacy data based management system indicative of honoring said corresponding request".

Again, Examiner does not agree with Appellant's argument since Goodwin discloses result produced by said legacy data base management system indicative of honoring said corresponding request (*i.e., "In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)*). Further, Goodwin discloses the legacy data base management system (see i above) and the legacy database management system generates the request (queries) from the user and return the result to the user (see iii above).

b. Claim 2 is not anticipated by Goodwin

v. In the fifth argument, the Appellant states "*Claim 2 depends from claim 1 and further limits the claimed standardized command language. In making his rejection, the Examiner cites paragraph 0061 which parenthetically mentions what could be (but has not yet been) done by a "developer"...The rejection of claim 2 should be reversed as based upon clearly erroneous findings of fact*", page 25.

Appellant contends that Goodwin does not disclose "a JavaScript object". Examiner does not agree with Appellant's argument since Goodwin discloses conversion the executable command language since Goodwin discloses using the JavaScript (0061) is the command language to convert between the clients 338 using the standard formats to legacy database with non-standard format (0131).

c. Claim 3 is not anticipated by Goodwin

vi. In the seventh argument, the Appellant states "*Claim 3 depends from claim 2 and further limits the claimed "result". As explained above, Goodwin does not have the claimed*

"result". Therefore, Goodwin can not have these further limitations and so the Examiner makes additional irrelevant....The rejection of claim 3 should be reversed." page 25.

Appellant contends that Goodwin does not disclose "result" since Goodwin disclose Goodwin discloses result produced by said legacy data base management system indicative of honoring said corresponding request (*i.e., "In response to execution of this query, the data server retrieves a query result (Block 720) and returns each element of the query result by looping through an appropriate loop that passes each element to the user process or displays each element on a display (Block 722, 724, 726) (0136)*). Further, Goodwin discloses conversion the executable command language since Goodwin discloses using the JavaScript (0061) is the command language to convert between the clients 338 using the standard formats to legacy database with non-standard format (0131).

d. Claim 4 is not anticipated by Goodwin

vii. In the eighth argument, the Appellant states "*Claim 4 depends from claim 3 and further limits the network coupling the major hardware components. As explained above, Goodwin specifically discloses a computer system (i.e., Fig. 1) which contains a single computer. Therefore ...The rejection of claim 4 should be reversed.*" pages 25-26.

Appellant contents that Goodwin does not disclose network between the claimed user session and the claimed legacy data base management system to a publicity accessible network. Appellant's allegation has not found persuasive. In a direct contradiction to appellant's content , Goodwin discloses network between the claimed user terminal or user session and the claimed legacy data base management system to a publicity accessible network (i.e., "*it will be appreciated by those skilled in the art that a wide range of computing system configurations can be used to support the methods of the*

present embodiment, including, for example, configurations that ***employ multiple processors, multiple databases****, and/or widely distributed networks or inter-networks, such as* ***the Internet****" (0045).* It is clearly that Goodwin discloses multiple computers (i.e., "employ multiple processors" (0045). Therefore, Appellant's argument is not persuasive.

e. Claim 5 is not anticipated by Goodwin

viii. In the ninth argument, the Appellant states "*Claim 5 depends from claim 4 and further limits the organization of the claimed database. Because the Examiner is aware that Goodwin cannot meet these limitations, the Examiner cites paragraph (0138), which he not knows does not discloses the claimed invention…The rejection of claim 5 should be reversed.*" page 26.

Examiner does not agree with Appellant's argument that Goodwin does not discloses a data base having a plurality of columns of data since Goodwin discloses a database having a plurality of columns of data (*i.e., "the serial # element from the object 804 involves parsing a look up table with corresponding serial and part numbers to find the correct Part #" (0138*) wherein each of said plurality of datasets corresponds to a different one of said plurality of column of data (*i.e., "the serial # element from the object 804 involves parsing a look up table with corresponding serial and part numbers to find the correct Part #" (0138*). Further, based on the definition of dictionary [2] that database structure is general description of the format of records in a database, including the number of fields, and Examiner indicates that each fields can be a column of data in the database.

f. Claim 6 is not anticipated by Goodwin.

[2] Microsoft Computer Dictionary, fifth edition

ix. In the tenth Argument, the Appellant states "*Claim 6 is an independent method claim having five basic step as limitation elements. The second claimed step is "transferring said request to said legacy database management system". This transferring step does not occur in Goodwin, because in Goodwin, the conversation must be performed before transfer to the alleged legacy database management system...the rejection of claim 6, and all claims depending therefrom, should be reversed.*" pages 26-27.

Appellant content that Goodwin does not discloses transferring said request to said legacy database management system and converting said comparison request from said standardized command language into a legacy command language suitable for execution by said legacy data base management system.

Examiner does not agree with Appellant's argument since Goodwin discloses transferring said request to said legacy data base management system conversion (*Fig. 9 and Fig. 3 shows the queries from client 338 transferring to data server (332) and using the system to conversion from different format*) and converting said comparison request from said standardized command language into a legacy command language suitable for execution by said legacy data base management system (*i.e., "The model adaptors 310, such as in an adaptor for DESIGNER 2000, parse specific types of logical models 302, 304, 306 and* ***translates*** *the logical models 302, 304, 306 into unified models"(0108) and "The data server 332 accepts queries from the client 338 application* ***in standard formats*** *which it* ***then translates****, as necessary, to interact with diverse data sources" (0131)*). Further, Goodwin does not disclose "the conversion must be performed before transfer to the alleged legacy data base management system" as Appellant's argument. Furthermore, the claim does not require which element in claim should happen first. Therefore, the Appellant's argument does

not support by the claimed language. However, Goodwin discloses all limitations as claimed invention included transferring said request to said legacy data base management system conversion (*Fig. 9 and Fig. 3 shows the queries from client 338 transferring to data server (332) and using the system to conversion from different format*) and conversion of said user request from said standardized object-based command language to said non-standardized command language into a legacy data base management (*e.g., "The data server 332 accepts queries from the client 338 application* ***in standard formats*** *which it* ***then translates****, as necessary, to interact with diverse data sources" (0131) or "The model adaptors 310, such as in an adaptor for DESIGNER 2000,* ***parse specific*** *types of logical models 302, 304, 306 and* ***translates*** *the logical models 302, 304, 306 into unified models"(0108) and "The data server 332 accepts queries from the client 338 application* ***in standard formats*** *which it* ***then translates****, as necessary, to interact with diverse data sources" (0131)*). Therefore, Goodwin discloses the second and third claimed element of claim 6 and all limitations of claimed invention.

g. Claim 7 is not anticipated by Goodwin

x. In the eleventh Argument, the Appellant states "*Claim 7 depends from claim 6 and is further limited* by *"wherein said standardized command language further comprises a language which is capable of producing a JavaScript object"....should be reversed.*", page 27.

Examiner does not agree with Appellant's argument since Examiner does not ignores rejection the claim 7 since the claim 7 is the same with the claim 2 and are rejected together with claim 2. See examiner's response on b. v above.

h. Claim 8 is not anticipated by Goodwin

xi. In the twelfth Argument, the Appellant states "*Claim 8 depends from claim 7 and is further limited by "wherein said generating step is performed by a user terminal"....the rejection of claim 8 should be reversed.*" page 27.

This argument is the same with argument on part a, ii above.

i. Claim 9 is not anticipated by Goodwin

xii. In the thirteen Argument, the Appellant states "Claim 9 depends from claim 8 and is further limited by "wherein said result further comprises a JavaScript object"…The rejection of claim 9 should be reversed"

Examiner does not agree with Appellant's argument since Examiner does not ignores rejection the claim 8 since the claim 9 is the same with the claim 3 and are rejected together with claim 3. See examiner's response on c. vi above.

j. Claim 10 is not anticipated by Goodwin

This argument is the same with the argument on part d, vii above.

K. Claim 11 is not anticipated by Goodwin

xiii. In the fourteen argument, the appellant states "*Claim 11 contains four "means-plus-function" limitations requiring examination in accordance with MPEP 2181-2184...the claim in the manner required by law.*", pages 28-29.

These arguments are the same with Arguments on claim 1 and see Examiner's response on a, i, ii, iii and iv above.

l. Claim 12 is not anticipated by Goodwin

This argument is the same with Appellant's argument on part b, v above.

m. Claim 13 is not anticipated by Goodwin

This argument is the same with Appellant's argument on part d, vii above.

n. Claim 16 is not anticipated by Goodwin

xiv. In the fifteen argument, the Appellant states "*Notwithstanding the statutory, judicial, procedural, and factual differences in patentability of the claimed limitations between claims 1 and 16, the Examiner apparently has not felt the need to actually examiner claim 16 as required by controlling law. Claim 16 has, for example, a "user session" not found in claim 1...for failure of the Examiner to examine the claim.*" page 30.

Appellant content that examiner ignores to rejection claim 16 and Goodwin does not disclose "user session" as claim 1.

Examiner does not agree with Appellant since claim 16 is the same with the claim 1, therefore, in the rejection, Examiner indicated that claim 16 has the same limitation recites on claims 1 and 6. Further, in the rejection, claim 1 had been rejected included the limitation user session. For example, Goodwin discloses a user session which generates a request in a standardized command language (*i.e., "The data server 332 accepts queries **from the client** 338 application in **standard formats** which it then translates,"(0131)*) for comparing some of said plurality of datasets within said legacy data base (*Examiner indicates that the queries from client to compare with the legacy database to get the result (0131) or "it provides a uniform, object-oriented access to distributed **legacy data sources** by acting as an object oriented dynamic front into existing databases" (0131)*). Furthermore, the specification fails to define what the user session is. Based on the dictionary[3], the session is the time during which the program accepts input and processes information or in communications, the time during which two computers maintain a connection. Therefore, Goodwin discloses client requests

the queries to the server that included accepts input (query) and processes information (responses answer the query) (0131).

o. Claim 17 is not anticipated by Goodwin

This argument is the same with Appellant's argument on part b, v and c, vi above.

p. Claim 18 is not anticipated by Goodwin.

This argument is the same with Appellant's argument on part d, vii above.

q. Claim 19 is not anticipated by Goodwin.

This argument is the same with Appellant's argument on part b, v and c, vi above.

r. Claim 20 is not anticipated by Goodwin.

This argument is the same with Appellant's argument on part c, vi above.

s. Claim 21 is not anticipated by Goodwin.

This argument is the same with Appellant's argument on part n, xiv above.

t. Claims 14-15 are not unpatentable under 35 U.S.C 103 (a) as obvious over Goodwin in view of Spellman.

xv. In the sixteen argument, the Appellant states "*Claims 14-15 have been rejected under 35 U.S.C. 103 (a) as unpatentable over Goodwin in view of Spellamn....any of the three showing required by MPEP 2143.*" pages 32-34.

[3] Microsoft Computer Dictionary, fifth edition

Appellant contents Examiner failures to present a prima facie case of obviousness and Goodwin does not disclose data base management system. Examiner does not agree with Appellant's argument since Goodwin discloses the data base management system (see part a, I issue above), storing means mean, responsively coupled to said requesting means via said publicly accessible digital data communication network (see part a, ii and d, vii above), request manes, responsively coupled (a, ii and d, ii above). Further Goodwin and Spellman et al. are compatibilities since Goodwin teaches about the computer, hosted by data server accessible database and, similarly, Spellman teaches about the computer platforms, hosted and publicly accessible digital data communication network. They are the same field. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have Mapper data base management system engine in order to have data base management system in an efficient multi-ser environment and to enable to user to utilize either access technique, the logic for each individual assistance function.

Moreover, in view of the guidance provided by the Supreme Court in KSR decision, the patent claim is prima facie obvious if "some motivation or suggestion to combine the prior art teachings" can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinal skill in the art (*EX part Smith, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007)(cite KSR, 82 USPQ2d at 1396*).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Hung T Vy/

Primary Examiner, Art Unit 2163

Conferees:

Don Wong

Supervisory Patent Examiner, Art 2163.

/don wong/

Supervisory Patent Examiner, Art Unit 2163

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

Charles Rones

Supervisory Patent Examiner, Art2164.

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